

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

NATHAN ROY STOUT,

Defendant.

Case No. 2:24-CR-0021-TOR -1

PROTECTIVE ORDER
REGARDING COMPUTER
FORENSIC REVIEW PROCEDURES
FOR CHILD PORNOGRAPHY
CONTRABAND

The Court has received and reviewed the Stipulation Regarding Computer Forensic Review Procedures for Child Pornography Contraband filed by the parties in the above-captioned matter and is fully advised.

GOOD CAUSE HAVING BEEN SHOWN, the Court hereby ORDERS that the Stipulation Regarding Computer Forensic Review Procedures for Child Pornography Contraband filed by the parties is GRANTED.

1. IT IS FURTHER ORDERED that 18 U.S.C. § 3509(m) applies to this case, and the Court is required to deny defense requests to copy, photograph, duplicate, or otherwise reproduce material constituting child pornography if the

1 government makes the material reasonably available to Defendant and provides an
2 ample opportunity for the defense to examine it at a government facility. *See* 18
3 U.S.C. § 3509(m).

4 2. IT IS FURTHER ORDERED that, in order to comply with 18 U.S.C.
5 § 3509(m), and to allow each Defendant the greatest opportunity to prepare an
6 effective defense in preparation for trial in this matter, the government will make a
7 forensic copy or “image” of devices and media containing alleged child
8 pornography contraband at issue in the above-referenced case. The government
9 will make any forensic images reasonably available to each Defendant and provide
10 ample opportunity for the defense team to examine them at a government facility
11 in Spokane, Washington. The parties may readdress the Court if there is a need for
12 additional or after-hours access during the course of litigation in the event trial or
13 motion hearings require additional forensic review.

14 3. IT IS FURTHER ORDERED that each defense forensic examination
15 may be conducted in an interview room monitored by closed-circuit television
16 (“CC-TV”), without audio feed. If so, the TV with non-audio feed will ensure the
17 integrity of government agency space and security of its occupants, and will not be
18 of sufficient detail or at an angle that would reveal defense strategy. The
19 government and its agents will make no attempt to record any audio from the
20 workstation and no attempt to observe either defense team’s work product or
21 computer monitor screen at any time. Each defense expert may review the feed to

1 ensure that defense strategy is not being compromised at any time while
2 conducting the forensic review.

3 4. IT IS FURTHER ORDERED that neither defense team¹ shall make,
4 nor permit to be made, any copies of the alleged child pornography contraband
5 pursuant to this Protective Order, nor will they remove any contraband images
6 from the government facility. Each defense expert will be allowed to copy any file
7 that is not contraband and compile a report (without contraband images/videos)
8 documenting the examination on removable media at the discretion of the defense
9 expert.

10 5. IT IS FURTHER ORDERED that any defense counsel and/or
11 designated defense expert will leave at the government facility any equipment,
12 including hard drives, which contain child pornography contraband that is
13 identified during forensic evaluation.

14 6. IT IS FURTHER ORDERED that for the purpose of trial, the
15 government will make available a digital copy of any government trial exhibit that
16 contains contraband, which will be kept in the custody and control of the case
17 agent. Upon reasonable notice by the defense, the case agent will also maintain for

18 _____
19 ¹ For purposes of this Protective Order, the term “defense team” refers solely to
20 Defendant’s counsel of record (“defense counsel”), Defendant’s designated
21 expert (“defense expert”), and a defense investigator.

1 trial digital copies of any proposed defense exhibit that contains contraband. If the
2 defense team intends to offer, publish, or otherwise utilize any government or
3 defense exhibit contained on the digital copy maintained by the case agent during
4 trial, the case agent shall assist the defense team in publishing or utilizing the
5 exhibit that contains contraband upon reasonable notification by the defense team.

6 IT IS SO ORDERED. The Clerk shall enter this Order and furnish copies to
7 counsel.

8 Dated February 16, 2024.



10 A handwritten signature in blue ink, reading "Thomas O. Rice", is written over a horizontal line.

11 Thomas O. Rice
12 United States District Judge
13
14
15
16
17
18
19
20
21